

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTHONY FLOYD,

Plaintiff,

Case No. 15-11337

Honorable Linda V. Parker

v.

PRICE WEST,

Defendant.

**OPINION AND ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING WITHOUT PREJUDICE
PLAINTIFF'S COMPLAINT**

Plaintiff Anthony Floyd filed this lawsuit against Defendant Price West on April 13, 2015, alleging copyright infringement. Plaintiff moved to proceed in forma pauperis and for service by the United States Marshal, which the Court granted on May 12, 2015. (ECF No. 6, 7.) The Court subsequently referred the matter to Magistrate Judge Stephanie Dawkins Davis for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 14.)

On May 15, 2016, Magistrate Judge Davis issued an order requiring Plaintiff to show cause in writing by May 31, 2016, as to why the magistrate judge should not recommend dismissal of Plaintiff's complaint pursuant to Federal Rule of Civil

Procedure 4(m) for failure to provide a correct address for Defendant so service could be effectuated in a timely fashion. (ECF No. 15.) Magistrate Judge Davis warned Plaintiff in the show cause order that the “[f]ailure to satisfactorily or timely comply with this order will result in a recommendation that the action against defendant Price West should be dismissed pursuant to Federal Rule of Civil Procedure 4(m) and Local Rule 41.2.” (*Id.* at Pg ID 32, emphasis removed.) Plaintiff failed to respond to the show cause order. Therefore, on August 3, 2016, Magistrate Judge Davis issued a Report and Recommendation (“R&R”), recommending that the Court dismiss Plaintiff’s Complaint without prejudice pursuant to Rule 4(m). (ECF No. 16.)

At the conclusion of the R&R, Magistrate Judge Davis advises the parties that they may object to and seek review of the R&R within fourteen (14) days of service upon them. (*Id.* at Pg ID 36.) She further specifically advises the parties that the “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) No objections to the R&R have been filed and the time for doing so has expired.

After carefully reviewing the docket in the matter, Magistrate Judge Davis’ show cause order, and the R&R, the Court concurs with the conclusions reached by Magistrate Judge Davis.

Accordingly,

IT IS ORDERED that Magistrate Judge Davis' August 3, 2016 R&R (ECF No. 16) is adopted;

IT IS FURTHER ORDERED that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 4(m).

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: September 13, 2016

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, September 13, 2016, by electronic and/or U.S. First Class mail.

s/ Richard Loury
Case Manager